



Cowan, Liebowitz & Latman, P.C.  
1133 Avenue of the Americas  
New York, NY 10036

(212) 790-9200 Tel  
(212) 575-0671 Fax  
www.cll.com

**Ronald W. Meister**  
(212) 790-9255  
rwm@cll.com

February 3, 2011

**Via ECF**

Hon. Stanley R. Chesler, U.S.D.J.  
District of New Jersey  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

Re: Renaissance Carpet and Tapestries, Inc. v. S&H Rugs et ano.  
Civil Action No. 09 -CV- 00632 (SRC-MAS)

Dear Judge Chesler:

This firm represents plaintiff in the above-entitled matter, which is before Magistrate Judge Shipp for scheduling and pre-trial purposes. I have just received the letter of defendants' counsel regarding the scheduling of various motions.

Counsel does not mention that, just two days ago, the parties submitted a joint status letter to Magistrate Judge Shipp regarding scheduling and motion practice, as well as about discovery issues. In that letter, each side expressed its view about the scheduling of various motions. Magistrate Judge Shipp has scheduled a conference for next Tuesday, February 8, to address these issues.

As defendants note, plaintiff has moved to preclude the testimony of defendants' purported expert. As defendants and the Magistrate Judge are also aware, plaintiff is preparing a motion for sanctions for defendants' spoliation of evidence and for inferences resulting from defendant Wilbush's multiple invocations of the Fifth Amendment. Plaintiff is of the view that resolution of the motions to preclude testimony and to establish various presumptions or inferences will necessarily substantially affect the nature and merits of any summary judgment motion. Plaintiff has accordingly submitted to Magistrate Judge Shipp, and reiterates here, that with the *Daubert* motion already served and the spoliation motion to be submitted very soon, any scheduling order should be based on resolution of those motions prior to the submission of any motions for summary judgment.

Very respectfully,

Ronald W. Meister

**Cowan, Liebowitz & Latman, P.C.**

Hon. Stanley R. Chesler, U.S.D.J.

February 3, 2011

Page 2

cc: Hon. Michael Shipp, U.S.M.J. (via ECF and fax)  
Jay R. McDaniel (via ECF and e-mail)